

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1958 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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RAMESHCHANDRA J GOHEL

Versus

STATE OF GUJARAT & ORS.  
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Appearance:

MR RK MISHRA for Petitioner  
MR SR DIVETIA for Respondent No. 1 & 2  
None present for Respondent No.3  
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Coram: S.K.Keshote, J.

Date of decision: 03/09/1997

ORAL JUDGMENT

Heard learned counsel for the parties.

2. The petitioner, a primary teacher of respondent No.3, filed this Special Civil Application before this Court and prayed therein for directions to the respondent

to declare him to be a trained teacher and therefore entitled to the time scale grade of Rs.1200-2040 given to the PTC teachers serving in the primary schools.

3. This claim has been made by petitioner on the ground that he possesses qualification of B.A. & B.Ed. The petitioner has obtained the qualification of B.Ed. in the year 1980. The respondents are treating those primary teachers who are not having qualifications of PTC in addition to SSC, as untrained teachers and as such these untrained teachers are not getting the pay scale prescribed for trained teachers though they are possessing the qualification of B.Ed.

4. This Court has taken the view in series of matters that the primary teachers who possess qualification of B.Ed. are eligible for being treated as trained teachers and the consequential benefits following therefrom.

5. In the result, this Special Civil Application succeeds and it is hereby declared that the petitioner is a primary trained teacher, and as such, he is entitled for the pay scale prescribed for primary trained teacher with effect from the date on which he acquired the degree of B.Ed. The petitioner shall be entitled for all other consequential benefits following therefrom. Rule made absolute in aforesaid terms with no order as to costs.

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(sunil)